

Application No. 10/501,885
Attorney Docket No.: 042600
Response Under 37 C.F.R. § 1.111

REMARKS

Claims 1-6 are pending in the present application.

Claim Rejections - 35 U.S.C. § 103

Claims 1, 2, 4 and 5 were rejected under 35 U.S.C. § 103(a) as being unpatentable over **Kajiwara '033** (US 5,256,033) in view of **Lovisetto** (EP 55426), and further in view of **Kajiwara '403** (US 5,318,403); and claims 3 and 6 were rejected under 35 U.S.C. § 103(a) as being unpatentable over **Kajiwara '033** in view of **Lovisetto**.

Favorable reconsideration is requested.

Applicants respectfully submit that Kajiwara '033 in view of Lovisetto and further in view of Kajiwara '403 does not teach or suggest:

wherein a relief plate having an outer circumferential end face which is held in contact with an inner surface of a cylindrical side portion of said adjacent intermediate casing is attached to said bottom portion of said intermediate casing

as recited in claims 1 and 2.

The Office Action takes the position that partition member 12 in Lovisetto is a relief plate, and that side plate 33 of Kajiwara '033 can be substituted by partition member 12 in Lovisetto. (Office Action, pages 3 and 5.)

However, partition member 12 of Lovisetto corresponds with bottom wall 24 of Kajiwara '033. Thus, when modifying Kajiwara '033 based on Lovisetto, one of ordinary skill in the art at the time of the present invention would substitute the bottom wall 24 of Kajiwara '033 with partition 12 of Lovisetto. The modified device would still not have a relief plate having an outer

circumferential end face held in contact with an adjacent casing as recited in claims 1 and 2. The modified device would still include side plate 33 which does not have an end face held in contact with an adjacent casing.

Furthermore, even if side plate 33 of Kajiwara '033 can be substituted by partition member 12 of Lovisetto such that an outer circumferential end face of the partition member is held in contact with an inner surface of an adjacent casing as alleged by the Office Action, the modified structure would not include a space in which an O-ring is fitted that is formed in part by partition member 12. The modified structure would include partition member 12 as a "relief plate" which abuts against the adjacent casing. However, the structure would also include bottom wall 24, cylindrical portion 25, flat portion 27 and projecting portion 28 which already forms a space for fitting an O-ring. (See Fig. 1.) In other words, since Kajiwara '033 already discloses a space for fitting an O-ring, attaching partition 12 of Lovisetto to the bottom wall 24 of Kajiwara '033 would not contribute to forming a space for fitting an O-ring as required by claims 1 and 2. Therefore, Kajiwara '033 in view of Lovisetto and further in view of Kajiwara '403 does not teach or suggest the elements as recited in claims 1 and 2.

For at least the foregoing reasons, claims 1 and 2 are patentable over the cited references, and claims 3-6 are patentable by virtue of their dependence from either claim 1 or 2. Accordingly, withdrawal of the rejection of claims 1-6 is hereby solicited.

In view of the above remarks, Applicants submit that that the claims are in condition for allowance. Applicants request such action at an early date.

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If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney to arrange for an interview to expedite the disposition of this case.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,
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